

LEON COUNTY, FLORIDA

ORDINANCE NO. 01-13

AN ORDINANCE OF LEON COUNTY, FLORIDA, CREATING THE PRIMARY HEALTH CARE MUNICIPAL SERVICE TAXING UNIT LOCATED WITHIN THE UNINCORPORATED AREA OF LEON COUNTY, AND THE INCORPORATED AREA OF THE CITY OF TALLAHASSEE, FLORIDA, TO PROVIDE HEALTH CARE SERVICES AND FACILITIES; DEFINING THE BOUNDARIES OF THE UNIT IN A MANNER THAT ENCOMPASSES THE ENTIRE COUNTY; AUTHORIZING THE BOARD TO ANNUALLY LEVY AD VALOREM TAXES WITHIN THE BOUNDARIES OF SUCH UNIT NOT TO EXCEED ½-MILL; AUTHORIZING THE USE OF THE TAX REVENUE FOR ENUMERATED PURPOSES; CREATING AN ADVISORY BOARD TO DEVELOP AND RECOMMEND A PLAN AND BUDGET TO IMPLEMENT AND DELIVER INDIGENT HEALTH CARE SERVICES AND FACILITIES TO CERTAIN LOW INCOME AND UNINSURED PERSONS LIVING IN LEON COUNTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA THAT:

SECTION 1. TITLE. This ordinance may be cited as the "Leon County Primary Health Care Municipal Service Taxing Unit Ordinance."

SECTION 2. AUTHORITY AND PURPOSE.

(A) This Ordinance is enacted under the authority of Article VIII, section 1, Florida Constitution, and sections 125.01 and 125.66, Florida Statutes. The Board of County Commissioners (the "Board") of Leon County, Florida, has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances and resolutions.

(B) Section 125.01(1)(q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service taxing unit for any part or all of the unincorporated areas within its boundaries, or within the municipal boundaries of an incorporated area upon consent of the governing body of such municipality, within which may be provided essential facilities and services.

(C) The purpose of this Ordinance is to create a municipal service taxing unit to fund indigent health care services and other associated essential facilities and municipal services within the municipal service taxing unit as generally described in Section 5 of this Ordinance. This Ordinance shall be liberally construed to effect the purposes hereof.

(D) For the purposes of this Ordinance the term "indigent health care services" shall mean the primary health care services or facilities described herein eligible to be funded by the Primary Health Care Municipal Service Unit for persons living in Leon County who are under the

age of 65, uninsured and having an annual income at or below a specific multiplier or percentage of federal poverty levels or other generally available annual income indices.

SECTION 3. CREATION OF PRIMARY HEALTH CARE MUNICIPAL SERVICE TAXING UNIT.

(A) Pursuant to the provisions of section 125.01(1)(q), Florida Statutes, there is hereby created a municipal service taxing unit for that portion of the unincorporated areas of the County and the incorporated area of the City of Tallahassee. Such municipal service taxing unit shall be known as the Primary Health Care Municipal Service Taxing Unit.

(B) From time to time the Board may by resolution take any action not inconsistent with this Ordinance to administer, deliver or provide indigent health care services or otherwise implement and advance the efficient and effective delivery of primary health care services to persons living in Leon County.

SECTION 4. AUTHORIZATION OF AD VALOREM TAXES. The Board is hereby authorized, in the manner and under the authority provided by section 125.01(1)(q) and (r), Florida Statutes, to levy and collect additional ad valorem taxes at a millage rate not to exceed (one-half) ½-mill upon real and personal property within the Primary Health Care Municipal Service Taxing Unit commencing with County fiscal year 2001-2002. The foregoing millage limitation shall not be increased without the City Commission of the City of Tallahassee first adopting an ordinance consenting thereto.

SECTION 5. USE OF REVENUE; IMPLEMENTATION

(A) Revenues derived from ad valorem taxes levied within the Primary Health Care Municipal Service Taxing Unit pursuant to Section 4 and from any fees and charges imposed for the use or availability of health care services or facilities shall be used solely for the following purposes:

(1) to provide primary health care programs, services and facilities to uninsured, low income persons under the age of 65 living within Leon County;

(2) to acquire, construct, or improve property, facilities, equipment, and improvements necessary to provide indigent health care services and programs;

(3) to operate, maintain, and replace acquired property, facilities, equipment, and improvements necessary to provide indigent health care services and programs;

(4) to compensate or reimburse the County, and those acting on its behalf, for all costs reasonably related to and incurred in establishing, implementing and administering the Primary Health Care Municipal Service Taxing Unit, and offering, providing and delivering indigent health care services and other associated essential facilities and municipal services to certain uninsured and low income persons living Leon County; and

(5) otherwise to provide for or pay for any other cost or expense reasonably associated with providing for and delivering indigent health care services and facilities to uninsured, low income persons under the age of 65 living within Leon County.

(B) The Board shall prepare and adopt a budget for the Primary Health Care Municipal Service Taxing Unit for the fiscal year beginning October 1, 2001, and each year thereafter, at the same time and in the same manner as the County budget. Such budget shall contain all or such portions of the planned costs of providing the services and facilities authorized herein as the Board

deems reasonable and necessary to initiate and thereafter provide for indigent health care services and facilities.

(C) The Board shall adopt for each fiscal year a resolution (1) fixing eligible income levels and (2) adopting a sliding fee scale for persons living in Leon County who are under the age of 65, uninsured, but having an income which exceeds the eligible income levels fixed by the Board. Health care services to be funded by the Primary Health Care Municipal Service Unit are not intended to be provided to persons who are otherwise eligible for primary or other health care assistance or who otherwise are able to pay for such services, but simply choose not to pay for such services or for insurance to cover such services.

(D) The Board may set up reserve funds in the taxing unit budget in excess of the estimated expenditures for the ensuing fiscal year for the purpose of creating reasonable reserves.

SECTION 6. CREATION OF AND IMPLEMENTATION ADVISORY BOARD.

(A) The Board shall create by resolution, a Primary Health Care Implementation Advisory Board to consist of seven members who shall be appointed by the Board. The initial appointments shall be for 3-year terms.

(B) The Advisory Board shall consider and develop an implementation plan and budget for the fiscal year commencing October 1, 2001 which shall not exceed (one-eighth) 1/8-mill upon real and personal property within the Primary Health Care Municipal Service Taxing Unit. Such plan shall consider an administratively efficient, legally sufficient, and accountable organizational structure and means for the County to deliver, or cause to be delivered, primary health care services to indigent and uninsured residents of Leon County. Such plan shall provide for a budget for the

fiscal year commencing October 1, 2001 and shall be delivered to the County no later than September 25, 2001.

(C) The Advisory Board shall serve at the pleasure of the Board and shall carry out such duties and responsibilities as the Board subsequently delegates by resolution.

SECTION 7. SEVERABILITY.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 8. EFFECTIVE DATE.

(A) The effectiveness of this Ordinance is conditioned upon the following occurring prior to July 1, 2001:

(1) the City Commission of the City of Tallahassee adopting an ordinance consenting to the inclusion of the incorporated areas of the City within the boundaries of the Primary Health Care Municipal Service Taxing Unit; and

(2) the subsequent filing of a certified copy of this Ordinance with the Department of State by the Clerk of the Board.

(B) After enactment by the Board, this Ordinance shall then take effect upon the filing with the Department of State as provided in section 125.66(2), Florida Statutes.

DULY ENACTED this day of June, 2001.

LEON COUNTY, FLORIDA

[SEAL]

Attest:

BOB INZER, CLERK
LEON COUNTY, FLORIDA

By: _____
Dan Winchester, Chairman
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM:
OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

By: _____
Herbert W. A. Thiele, County Attorney

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